

City Council Agenda

Council President
Mike Dages

Councilmembers

Tom Boyajian
Brian Calhoun
Jerry Duncan

Henry T. Perea
Cynthia Sterling
Larry Westerlund

City Manager
Andrew T. Souza

City Clerk
Rebecca E. Klisch, CMC

City Attorney
Hilda Cantú Montoy

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650

The City Council welcomes you to this meeting.

October 25, 2005

If you would like to speak fill out a speaker request form available from the City Clerk's Office and in the Council Chambers. The agenda is available on (www.ci.fresno.ca.us). The Council meeting can also be heard live at the same web site address, and viewed live on Cable Channel 96 from 8:30 a.m. p.m. and re-played beginning at 8:30 p.m.

8:30 A.M. ROLL CALL

Invocation by Pastor Natalie Chamberlain of the United Christian Church

Pledge of Allegiance to the Flag

Ceremonial Presentations:

Presentation to the 2005 Orchid Awards Winners – Councilmember Calhoun

Presentation of P.R.I.D.E. Team Certificates (Reception immediately following – 2nd floor foyer)

Council action on unscheduled items if any shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda. For each matter considered by the Council there will first be a staff presentation followed by a presentation from the project applicant. Testimony from those in attendance will then be taken. All testimony given will be limited to three minutes per person.

The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker. The green light will be turned on when the speaker begins. The yellow light will come on with one minute remaining and one tone will sound. The speaker should be completing the testimony by the time the red light comes on and two tones sound, indicating that time has expired.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve minutes of October 11, 2005

Action Taken:

Councilmember Reports and Comments

Action Taken

Approve Agenda

Action Taken:

Adopt Consent Calendar

Action Taken:

1. **GENERAL CONSENT CALENDAR**

(All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered at 2:00 p.m.

A. Approval for the renewal of the contract between the Commission on Peace Officer Standards and Training (P.O.S.T.) and the Fresno Police Department to provide basic motorcycle training to qualified law enforcement personnel – Police Dept.

Action Taken:

B. * **RESOLUTION** – 33rd amendment to AAR No. 2005-286 appropriating \$248,000 for previously approved PG&E incentive funding for energy efficiency improvements (***Requires 5 affirmative votes***) – General Services Dept.

Action Taken:

C. * Approve Lease Agreements with four (4) tenants for occupancy of the commercial portion of the Van Ness and Merced garage facility – General Services Dept.

Action Taken:

D. * Award a Requirements Contract to Prudential Overall Supply of Fresno for linen and dust control services – General Services Dept./Purchasing Division

Action Taken:

E. Adopt Resolution of Intention No. 1046-D to vacate a portion of E. Ashcroft Avenue at N. Sharon Avenue, and setting the public hearing for November 15, 2005 at 10:00 a.m. – Public Works Dept.

Action Taken:

F. Adopt Resolution of Intention No. 1047-D to vacate a water main easement located south of Herndon Avenue between Forkner and West Avenues, and setting the public hearing for November 15, 2005 at 10:05 a.m. – Public Works Dept.

Action Taken:

G. **RESOLUTION** - Of intention to establish a special tax district (Community Facilities District No. 11) and to authorize levy of a special tax for the maintenance of certain features in and near Final Tract Map No. 5368 – Public Works Dept.

Action Taken:

H. **RESOLUTION** - Of intention to annex Final Tract No. 5278 as Annexation No. 108 to the City of Fresno Community Facilities District No. 2 and to authorize the levy of special taxes – Public Works Dept.

Action Taken:

1. **GENERAL CONSENT CALENDAR CONTINUED**

- I. **RESOLUTION** - Of intention to annex Final Tract No. 5412 as Annexation No. 107 to the City of Fresno Community Facilities District No. 2 and authorize the levy of special taxes – Public Works Dept.
Action Taken:
- J. * Award a contract in the amount of \$174,779 to Crown Contracting Company, Inc., of Clovis, for installation of a new traffic signal at the intersection of Clinton Avenue and Ninth Street – Public Works Dept.
Action Taken:
- K. * **RESOLUTION** - 35th amendment to AAR NO. 2005-286 appropriating \$77,800 for the purchase of the thermoplastic spray unit to be installed on the previously purchased Street Division thermo unit truck **(Requires 5 affirmative votes)** – Public Works Dept.
Action Taken:
1. * Award a contract to TMT-Pathway, LLC of Salem Oregon for one (1) thermoplastic stencil spray unit
Action Taken:
- L. * **RESOLUTION** - 37th amendment to AAR NO. 2005-286 appropriating \$1,151,500 and reallocate \$1,900,000 in UGM Neighborhood Park Service Area 2 funds to fund the construction of Al Radka Park **(Requires 5 affirmative votes)** – Public Works Dept.
Action Taken:
1. * Award a contract in the amount of \$2,770,545.20 to American Paving Co. for the construction of Al Radka Park
Action Taken:
- M. * Approve an agreement on Plans for Success between the City and the Fresno City Employees Association (FCEA) - Personnel Dept.
Action Taken:
- N. **RESOLUTION** – Approving the Final Map of Tract No. 5215 and accepting dedicated public uses therein; authorize the Public Works Director, Public Utilities Director, and Planning and Development Director to execute the necessary documents – Planning and Development Dept.
Action Taken:
- O. **RESOLUTION** – Approving the Final Map of Tract No. 5235 and accepting dedicated public uses therein; authorize the Public Works Director, Public Utilities Director, and Planning and Development Director to execute the necessary documents – Planning and Development Dept.
Action Taken:
- P. **RESOLUTION** – Approving the Final Map of Tract No. 5248 and accepting dedicated public uses therein; authorize the Public Works Director, Public Utilities Director, Planning and Development Director, and Fire Chief to execute the necessary documents – Planning and Development Dept.
Action Taken:
- Q. **RESOLUTION** – Approving the Final Map of Tract No. 5510 and accepting dedicated public uses therein; authorize the Public Works Director, Public Utilities Director, and Planning and Development Director to execute the necessary documents – Planning and Development Dept.
Action Taken:
- R. * **RESOLUTION** - 36th amendment to AAR No. 2005-286 appropriating \$102,700 in grant funds from the State of California Integrated Waste Management Board **(Requires 5 affirmative votes)** – Planning and Development Dept.
Action Taken:
- S. **RESOLUTION** – 6th amendment to Salary Resolution No. 2005-290 modifying the salaries in Exhibit 4, Non-Supervisory Police – Personnel Services Dept.
Action Taken:

1. **GENERAL CONSENT CALENDAR CONTINUED**

- T. * **BILL NO. B-117 – (Intro 10/11/2005) (For adoption)** - Amending the Fresno Municipal Code relating to the display of products containing pseudoephedrine and or ephedrine – Police Department
Action Taken:

2. **GENERAL ADMINISTRATION**

- A. * **RESOLUTION** - 39th amendment to AAR No. 2005-286 appropriating \$500,000 in various funds for median island improvements **(Requires 5 affirmative votes)** – Finance Dept.
Action Taken:
- B. **BILL – (For introduction)** - Amending the Fresno Municipal Code relating to street trees and parkways – City Attorney's Office
Action Taken:
- C. **RESOLUTION** - Authorizing an application to the California Department of Health Services for a low interest loan for construction of improvements to the Enterprise Canal, and authorizing execution of documents – Dept. of Public Utilities
Action Taken:

3. **CITY COUNCIL**

- A. Request an update from City Manager on the status of implementing a marketing plan for Roeding Business Park. Update should include an estimate from Public Works on additional infrastructure investment required by the City at the site – Councilmember Calhoun
Action Taken:
- B. Consider approval of salary increase for the City Clerk – Councilmember Westerlund
Action Taken:

9:00 A.M. A. **SCHEDULED COMMUNICATION**

- B. **UNSCHEDULED COMMUNICATION** – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk Department at least ten (10) days prior to the desired date.

- 9:15 A.M. Discussion by City Council on the issue of vicious pit bulls and direction to staff as needed to pursue new City laws to effectively deal with the issue of dangerous dogs - Councilmember Calhoun
Action Taken:

- 9:45 A.M. **CONTINUED HEARING** to consider Rezone Application No. R-04-108 and environmental findings, filed by R.J. Hill Homes, pertaining to approximately 34.8 acre of property located on the west side of S. Temperance between E. Hamilton and E. California Avenue alignment **(Property located in District 5)** – Planning and Development Dept.
Action Taken:

- a. Consider and adopt Environmental Assessment No. R-04-108/T-5464/C-04-325, Finding of Conformity to MEIR No. 10130 for the 2025 Fresno General Plan
Action Taken:
- b. **BILL** – Amending the Official Zone Map to rezone the subject property from the AE-20/UGM (Exclusive Twenty Acre Agricultural/Urban Growth Management) zone district to the R-1/UGM (Single Family Residential/Urban Growth Management) zone district
Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

- 10:00 A.M. HEARING** to consider the vacation of a portion of E. Harvey Avenue east of N. Clovis Avenue (R.I. No. 1045-D) – Public Works Dept.
Action Taken:
a. * **RESOLUTION** – Ordering the vacation of a portion of E. Harvey Avenue east of N. Clovis Avenue (R.I. No. 1045-D)
Action Taken:
- 10:05 A.M. CONTINUED HEARING** to consider Rezone Application No. R-05-33 and environmental findings, filed by Provost and Pritchard, Inc., on behalf of RZR Enterprises, pertaining to approximately 31.87 acres of property located on the southwest corner of E. Church and S. Peach Avenues (***Property located in District 5***) - Planning and Development Dept.
Action Taken:
a. Consider and adopt Environmental Assessment No. R-05-33/T-5436/C-05-110, Finding of Conformity to MEIR No. 10130 for the 2025 Fresno General Plan
Action Taken:
b. **BILL** – Amending the Official Zone Map to rezone the subject property from the AE-5/UGM (*Exclusive Five Acre Agricultural/Urban Growth Management*) zone district to the R-1/UGM (*Single Family Residential/Urban Growth Management*) zone district
Action Taken:
- 10:20 A.M.** Continued deliberations to consider Rezone Application No. R-04-104 and environmental findings, filed by Clifford Tutelian on behalf of Park Place Holdings, pertaining to 19.08 acres of property located on the southwest corner of N. Palm and W. Nees Avenues (***Property located in District 2***) – Planning and Development Department
Action Taken:
a. Consider and adopt a finding of Mitigated Negative Declaration for Environmental Assessment No. R-04-104/C-04-318
Action Taken:
b. **BILL** – Amending the Official Zone Map to rezone the subject property from the AE-20/UGM (*Exclusive Twenty Acre Agricultural/Urban Growth Management*) zone district to the C-P/UGM (*Administrative and Professional Office/Urban Growth Management*) zone district
Action Taken:
- 10:30 A.M. TEFRA HEARING** as required by Section 147(f) of the Internal Revenue Code of 1986 to hear and to consider information concerning the proposed issuance of revenue refunding bonds by the California Statewide Communities Development Authority for the purpose of refinancing a 240-unit multi-family rental housing development commonly known as Village at Ninth Apartments – Finance Dept.
Action Taken:
a. * **RESOLUTION** – Approving the issuance of revenue refunding bonds by the California Statewide Communities Development Authority in the aggregate principal amount not to exceed \$6,000,000
Action Taken:
- 10:45 A.M. TEFRA HEARING** as required by Section 147(f) of the Internal Revenue Code of 1986 to hear and to consider information concerning the proposed issuance of revenue refunding bonds by the California Statewide Communities Development Authority for the purpose of refinancing a 204-unit multifamily rental housing development commonly known as Village at Shaw Apartments – Finance Dept.
Action Taken:
a. * **RESOLUTION** – Approving the issuance of revenue refunding bonds by the California Statewide Communities Development Authority in the aggregate principal amount not to exceed \$ 5,000,000
Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

2:00 P.M. #1 **CONTESTED CONSENT CALENDAR**

2:00 P.M. #2 **CLOSED SESSION**

- A. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION** - Government Code Section 54956.9, subdivision (a)
1. **Case Name:** Dupont Commercial Flooring Systems, Inc. etc. v. City of Fresno, Mauldin-Dorfmeier Construction Inc., et al. and consolidated and cross-actions; Fresno Superior Court Case No. 03CECG04489 consolidated with No. 04CECG00577
Action Taken:
- B. CONFERENCE WITH LEGAL COUNSEL-DECIDING WHETHER TO INITIATE LITIGATION** - Government Code Section 54956.9, subdivision (c)
1. **Case Name:** City of Fresno v. Marcos Antonio Ballesteros, et al.
Action Taken:
- C. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION** - Government Code Section 54956.9, subdivision (b)
- Significant Exposure to Litigation:**
1. Caltrans v. City of Fresno (Fancher Creek, Real Party in Interest)
 2. Rolando Gasca Celdon v. City of Fresno
- Action Taken:**

2:00 P.M. #3 **CLOSED SESSION ANNOUNCEMENTS (IF ANY)**

- 2:30 P.M. **HEARING** to consider Rezone Application No. R-04-68 and environmental findings, filed by Michael Sutherland and Associates on behalf of Spradling Construction, Inc., pertaining to 11.3 acres of property located on the northwest side of N. Salinas Avenue alignment and on the northeast side of the Herndon Canal, south of the W. San Jose Avenue alignment ***(Property located in District 2)*** – Planning and Development Dept.
- Action Taken:**
- a. Consider and adopt Environmental Assessment No. R-04-68/T-5388/V-05-07, Finding of Conformity to MEIR No. 10130 for the 2025 Fresno General Plan
Action Taken:
 - b. **BILL** – Amending the Official Zone Map to rezone the subject property from the R-A/UGM (*Single Family Residential Agricultural/Urban Growth Management*) zone district to the R-1/UGM (*Single Family Residential/Urban Growth Management*) zone district
Action Taken:
- 2:45 P.M. **HEARING** to consider Site Plan Review Application No. S-04-547, and environmental findings, filed by Scott Vincent of the Vincent Company on behalf of Hoback LLC, pertaining to 8.25 acres of property located on the south side of W. Bullard Avenue between N. Hayes and N. Polk Avenues (5695 W. Bullard Avenue) ***(Property located in District 2)*** – Planning and Development Dept.
- Action Taken:**
- a. Consider and adopt Environmental Assessment No. S-04-547, Finding of Conformity to MEIR No. 10130 for the 2025 Fresno General Plan
Action Taken:
 - b. **RESOLUTION** – Approving Site Plan Review Application No. S-04-547
Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

3:00 P.M.

JOINT MEETING WITH THE REDEVELOPMENT AGENCY

Approve Agency minutes of October 11, 2005

Action Taken:

- A.** Request staff (City/RDA) to return to Council with an action plan and time-line for making Roeding Business Park a success – Councilmember Calhoun

Action Taken:

- B.** Consider approval of: **(Agency action)**

1. A twelve (12) month Exclusive Negotiating Agreement between the Redevelopment Agency of the City of Fresno and the Span Development Group for the development of the 200 acre development site within the Roeding Business Park Redevelopment Project Area
2. Authorize staff to initiate any necessary CEQA review
3. Any other necessary documents

Action Taken:

- C.** Approve the acquisition of five (5) properties in the Hope VI Project, area bounded by California, Walnut, Florence and Plumas (108 E. Atchison Street, 129 E. Florence, 125 E. and 138 Lorena Avenue and APN 477-142-04 located on the south side of E. Lorena, between Plumas and Walnut) **(Agency action)** – RDA/Public Works Dept.

Action Taken:

ADJOURN AGENCY

3:15 P.M.

HEARING to consider Rezone Application No. R-05-60, and environmental findings, filed by David Storer on behalf of Contour Development, pertaining to approximately 60 acres of property located south of W. Herndon Avenue, north of W. Sierra Avenue, east of the Southern Pacific Railroad right-of-way, and west of N. Bryan Avenue **(Property located in District 2)** – Planning and Development Dept.

Action Taken:

- a.** Consider and adopt Environmental Assessment No. R-05-60, Finding of Conformity to MEIR No. 10130 for the 2025 Fresno General Plan

Action Taken:

- b.** **BILL** – Amending the Official Zone Map to rezone the subject property from the AE-5/UGM (*Exclusive Five Acre Agricultural/Urban Growth Management*) zone district to the M-1/UGM (*Light Manufacturing/Urban Growth Management*) zone district

Action Taken:

3:30 P.M.

Establish a Council- designated core group to examine and address poverty in the City of Fresno, including the feasibility of establishing a Poverty Task Force – Councilmember Sterling

Action Taken:

4:00 P.M.

HEARING regarding the 2005 Cycle II Trimester Plan Amendments
(Continue to November 1, 2005 @ 4:00 P.M.)

- A.** Consideration of Plan Amendment Application No. A-04-23, Rezone Application No. R-03-76, filed by Morning Development II, LLC
- B.** Consideration of Plan Amendment Application No. A-04-27, Rezone Application No. R-04-86, filed by Land Dynamics
- C.** Consideration of Plan Amendment Application No. A-04-37, Rezone Application No. R-04-112, Conditional Use Permit Application No. C-04-341, filed by Derrel's Mini Storage
- D.** Consideration of Plan Amendment Application No. A-05-01, Rezone Application No. R-05-15, filed by Lennar Homes,

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

- 4:00 P.M. HEARING** regarding the 2005 Cycle II Trimester Plan Amendments **(Continued)**
(Continue to November 1, 2005 @ 4:00 P.M.)
- E.** Consideration of Plan Amendment Application No. A-05-03, Rezone Application No. R-05-32, filed by Fresno Supreme
 - F.** Consideration of Plan Amendment Application No. A-05-04, Rezone Application No. R-05-34, filed by Central Valley RV
 - G.** Consideration of Plan Amendment Application No. A-05-05, Rezone Application No. R-05-12, filed by Valley Land Development, Inc
 - H.** Consideration of Plan Amendment Application No. A-05-06, Rezone Application No. R-05-35, Conditional Use Permit Application No. C-05-114, filed by Sol Development Associates LLC on behalf of Kernback LP.
 - I.** Consideration of Plan Amendment Application No. A-05-07, Rezone Application No. R-05-36, filed by Sol Development Associates LLC on behalf of Winston Capital Group LLC and the Hazel M. Terzian Living Trust
 - J.** Consideration of Plan Amendment Application No. A-05-08, Rezone Application No. R-05-37, filed by Sol Development Associates LLC
- Action Taken:**

SCHEDULED COUNCIL HEARINGS AND MATTERS

- | | | | |
|-------------|------------------|--|--|
| Nov. | 1 - | 10:00 A.M. | HEARING re: Rezone Application No. R-05-10, filed by Ed Dunkel, property located on the east side of N. Chestnut Avenue alignment betw. E. Copper and E. International Avenue |
| Nov. | 1 - | 10:15 A.M. | HEARING re: Rezone Application No. R-04-56, filed by Woodward Park Baptist Church |
| Nov. | 1 - | 4:00 P.M. | CONTINUED HEARING - 2005 Cycle II Trimester Plan Amendments – Planning and Development Dept. |
| Nov. | 8 - | MEETING CANCELED – SPECIAL ELECTION DAY | |
| Nov. | 9 – (Wed) | 3:00 P.M. | Presentation of Employee Service Awards in the Council Chambers with a reception immediately following – 2 nd floor foyer) |
| Nov. | 15 - | 10:00 A.M. | HEARING re: vacation of a portion of E. Ashcroft Avenue @ N. Sharon Avenue |
| Nov. | 15 - | 10:05 A.M. | HEARING to consider the vacation of a water main easement located south of Herndon between Forkner and West - R.I. No. 1047-D |
| Nov. | 15 - | 10:10 A.M. | HEARING re: the formation of Community Facilities District No. 11 (Maintenance) |
| Nov. | 15 - | 10:30 A.M. | Quarterly report on the progress of the West Fresno Workgroup on implementing the recommendations of the West Fresno Community Vision Plan – Councilmember Sterling |
| Nov. | 15 - | 10:45 A.M. | HEARING re: Rezone Appl. No. R-05-50, filed by Fancher Creek Properties |
| Nov. | 15 - | 2:30 P.M. | Presentation on the Status of the Community Choice Aggregation Program. – Public Utilities |
| Nov. | 15 - | 3:15 P.M. | HEARING re: Eminent domain (Atwood) |
| Nov. | 22 - | NO MEETING - THANKSGIVING WEEK | |
| Nov. | 29 - | 10:00 A.M. | HEARING re: Community Facilities District No. 2, Annexation No. 108, Tract No. 5278 |
| Nov. | 29 - | 10:15 A.M. | HEARING re: Community Facilities District No. 2, Annexation No. 107, Tract No. 5412 |
| Nov. | 29 - | 10:30 A.M. | HEARING re: Armerican Baptist Homes of the West – Finance Dept. |
| Dec. | 20 - | NO MEETING - CHRISTMAS WEEK | |
| Dec. | 27 - | NO MEETING - NEW YEARS WEEK | |

(Future workshops – dates to be determined)

WORKSHOP – Follow-up discussion regarding Caltrans discussion held 12/7/2004